

RULES FOR THE BOARD OF LAW EXAMINERS

Rule 1 General Requirements

An applicant for admission to the practice of law must

- (A) be 18 years old or older;
- (B) possess good moral character; and
- (C) have completed, before entering law school, at least 60 semester hours or 90 quarter hours toward an undergraduate degree from an accredited school or while attending an accredited junior or community college.

Rule 2 Admission by Examination

(A) An application must be filed by November 1 for the February examination, or March 1 for the July examination. Late applications will be accepted until December 15 for the February examination, or May 15 for the July examination. An application must be accompanied by payment of the fee. All materials filed are confidential.

(B) Before taking the examination, an applicant must obtain a JD degree from a reputable and qualified law school that

- (1) is incorporated in the United States, its territories, or the District of Columbia; and
- (2) requires for graduation 3 school years of study for full-time students, and 4 school years of study for part-time or night students. A school year must be at least 30 weeks.

A law school approved by the American Bar Association is reputable and qualified. Other schools may ask the Board to approve the school as reputable and qualified. In the event the law school has ceased operations since an applicant's graduation, the request for approval may be made by the applicant. The Board may in its discretion permit applicants who do not possess a JD degree from an ABA-approved law school to take the examination based upon factors including, but not limited to, relevant legal education, such as an LLM degree from a reputable and qualified law school, and experience that otherwise qualifies the applicant to take the examination.

(C) The State Bar character and fitness committee will investigate each applicant. The applicant must disclose any criminal conviction which carries a possible penalty of incarceration in jail or prison that has not been reversed or vacated and comply with the committee's requirements and requests. The committee will report the results of its investigation to the Board. If the committee report shows that an applicant lacks the necessary character and fitness, the Board will review the application, record, and report. If the Board accepts the report, the applicant is entitled to a hearing before the Board and may use the Board's subpoena power. The Board may permit an applicant to take the examination before the character and fitness committee reports. The Board will release the applicant's grade if character and fitness committee approval is obtained.

(D) Every applicant for admission must achieve a passing score, as determined by the board, on the Multistate Professional Responsibility Examination.

(E) The Board may permit an applicant entering the armed forces before the examination immediately following graduation to take an earlier examination. The applicant must have completed, before the examination, 2 1/2 years full-time or 3 1/2 years part-time study. The Board will release the applicant's grade when the school certifies the applicant's graduation.

(F) The applicant is responsible for meeting all requirements before the examination. The Board may act on information about an applicant's character whenever the information is received.

Rule 3 Examination Subjects and Grading

(A) The examination consists of two sections:

(1) The Multistate Bar Examination prepared by the National Conference of Bar Examiners and administered on dates and under regulations set by the Conference.

(2) An essay examination prepared by or under the supervision of the Board or by law professors selected by the Board, on these subjects:

- (a) Real and Personal Property
- (b) Wills and Trusts
- (c) Contracts
- (d) Constitutional Law
- (e) Criminal Law and Procedure
- (f) Corporations, Partnerships, and Agency
- (g) Evidence
- (h) Creditor's Rights, including mortgages, garnishments and attachments
- (i) Practice and Procedure, trial and appellate, state and federal
- (j) Equity
- (k) Torts (including no-fault)
- (l) The sales, negotiable instruments, and secured transactions articles of the Uniform Commercial Code
- (m) Michigan Rules of Professional Conduct
- (n) Domestic Relations
- (o) Conflicts of Laws
- (p) Worker's Compensation

(B) The National Conference of Bar Examiners will grade the Multistate section. The Board or its agents will grade the essay section, with the Board having final

responsibility. The Board will determine a method for combining the grades and select a passing score.

Rule 4 Post-Examination Procedures

(A) The Assistant Secretary will release examination results at the Board's direction. Blue books will be kept for 3 months after results are released.

(B) Within 30 days after the day the results are released, the applicant may ask the Board to reconsider the applicant's essay grades. The applicant shall file with the Assistant Secretary two (2) copies of

- (1) the request;
- (2) the answer given in the applicant's blue books; and
- (3) an explanation why the applicant deserves a higher grade.

(C) An applicant for re-examination may obtain an application from the Assistant Secretary. The application must be filed at least sixty (60) days before the examination. If the applicant's clearance is more than three (3) years old, the applicant must be approved by the State Bar Committee on Character and Fitness.

Rule 5 Admission Without Examination

(A) An applicant for admission without examination must

- (1) qualify under Rules 1 and 2(B);
- (2) be licensed to practice law in the United States, its territories, or the District of Columbia;
- (3) be a member in good standing of the Bar where admitted;
- (4) intend in good faith to maintain an office in this state for the practice of law;
- (5) intend to practice law in Michigan, or to be a full-time instructor in a reputable and qualified Michigan law school; and
- (6) have, after being licensed and for 3 of the 5 years preceding the application,
 - (a) actively practiced law as a principal business or occupation in a jurisdiction where admitted (the practice of law under a special certificate pursuant to Rule 5[D] or as a special legal consultant pursuant to Rule 5[E] does not qualify as the practice of law required by this rule);
 - (b) been employed as a full-time instructor in a reputable and qualified law school in the United States, its districts, or its territories; or
 - (c) been on active duty (other than for training or reserve duty) in the United States armed forces as a judge advocate, legal specialist, or legal officer. The judge advocate general (or a comparable officer) or delegate must certify the assignment and the inclusive dates.

The Supreme Court may, for good cause, increase the 5-year period. Active duty in the United States armed forces not satisfying Rule 5(A)(6)(c) may be excluded when computing the 5-year period.

(B) An applicant must submit the National Conference of Bar Examiners' Request for Preparation of a Character Report along with other material required by the Board and payment of the fees.

(C) An applicant not satisfying Rule 5(A) will be notified and given an opportunity to appear before the Board. The applicant may use the Board's subpoena power.

(D) An attorney

(1) ineligible for admission without examination because of the inability to satisfy Rule 5(A)(6); and

(2) practicing law in an institutional setting, e.g., counsel to a corporation or instructor in a law school, may apply to the Board for a special certificate of qualification to practice law. The applicant must satisfy Rule 5(A)(1)-(4), and comply with Rule 5(B). The Board may then issue the special certificate, which will entitle the attorney to continue current employment if the attorney becomes an active member of the State Bar. If the attorney leaves the current employment, the special certificate automatically expires; if the attorney's new employment is also institutional, the attorney may reapply for another special certificate.

(E) Special Legal Consultants.

(a) To qualify for admission without examination to practice as a special legal consultant one must:

(1) be admitted to practice in a foreign country and have actually practiced, and be in good standing, as an attorney or counselor at law or the equivalent in such foreign country for at least 3 of the 5 years immediately preceding the application; and

(2) possess the good moral character and general fitness requisite for a member of the bar of this state; and

(3) fulfill the requirements of MCL 600.934 and 600.937; and

(4) be a resident of this or another state of the United States, its territories or the District of Columbia and maintain an office in this state for the practice of law; and

(5) be over 18 years of age.

(b) In considering whether to license an applicant to practice pursuant to Rule 5(E), the Board may in its discretion take into account whether a member of the bar of this state would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission (as referred to in Rule 5[E][a][1]), if there is pending with the Board a request to take this factor into account from a member of the bar of this state actively seeking to establish such an office in that country which raises a serious question as to the adequacy of the opportunity for such a member to establish such an office.

(c) An applicant for a license as a special legal consultant shall submit to the Board:

- (1) a certificate from the authority in such foreign country having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice and the date thereof and as to the good standing of such attorney or counselor at law or the equivalent, together with a duly authenticated English translation of such certificate if it is not in English; and
- (2) a letter of recommendation from one of the judges of the highest law court or intermediate appellate court of such foreign country, together with a duly authenticated English translation of such letter if it is not in English; and
- (3) the National Conference of Bar Examiners questionnaire and affidavit along with the payment of the requisite fee and such other evidence of the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of Rule 5(E)(a)(1)-(5) as the Board may require; and
- (4) shall execute and file with the Assistant Secretary of the State Board of Law Examiners, in such form and manner as the Board may prescribe,
 - (i) a duly acknowledged instrument in writing setting forth the special legal consultant's address in the state of Michigan and designating the Assistant Secretary of the State Board of Law Examiners an agent upon whom process may be served, with like effect as if served personally upon the special legal consultant, in any action or proceeding thereafter brought against the special legal consultant and arising out of or based upon any legal services rendered or offered to be rendered by the special legal consultant within or to residents of the state of Michigan whenever after due diligence service cannot be made upon the special legal consultant at such address or at such new address in the state of Michigan as the special legal consultant shall have filed in the office of the Assistant Secretary of the State Board of Law Examiners by means of a duly acknowledged supplemental instrument in writing; and
 - (ii) the special legal consultant's commitment to notify the Assistant Secretary of the State Board of Law Examiners of any resignation or revocation of the special legal consultant's admission to practice in the foreign country of admission, or of any censure, suspension or expulsion in respect of such admission.

Service of process on the Assistant Secretary of the State Board of Law Examiners shall be made by personally delivering to and leaving with the Assistant Secretary, or with a deputy or assistant authorized by the Assistant Secretary to receive such service, at the Assistant Secretary's office, duplicate copies of such process together with a fee of \$10.00. Service of process shall be complete when the Assistant Secretary has been so served. The Assistant Secretary shall promptly send one of such copies to the special legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to such

special legal consultant at the address specified by the special legal consultant as aforesaid.

(d) A person licensed to practice as a special legal consultant must maintain active membership in the State Bar of Michigan and must discharge the responsibilities of state bar membership and is authorized to render professional legal advice:

(1) on the law of the foreign country where the legal consultant is admitted to practice;

(2) may use the title "special legal consultant" either singly or in connection with the authorized title or firm name in the foreign country of the legal consultant's admission to practice, provided that in each case the name of such foreign country be identified.

Rule 6 Fees

The fees are: an application for examination, \$340 and an additional fee for the late filing of an application or transfer of an application for examination, \$100; an application for re-examination, \$240; an application for recertification, \$200; an application for admission without examination, \$600 plus the requisite fee for the National Conference of Bar Examiners' report. Checks must be payable to the State of Michigan.

Please Note:

The most recent fee amounts reflect 2000 PA 86, which was signed by the Governor on May 1, 2000. The fees required to be paid by each applicant are set by the Legislature.

Rule 7 Exceptions

An applicant may ask the board to waive any requirement except the payment of fees. The applicant must demonstrate why the request should be granted.

Rule 8 Recertification

An applicant for recertification shall file an application and other material required by the Board. After a hearing the Board shall either recertify the applicant or require that the applicant pass the examination described in Rule 3. An applicant may use the Board's subpoena power for the hearing. An applicant who is an inactive State Bar member and who has been employed in another jurisdiction in one of the ways listed in Rule 5(A)(6) is entitled to recertification by the Board.